

REMARKS

The present Amendment Response, Request for Continued Examination (RCE), and petition for a 1-month extension of time are responsive to the final Office Action mailed June 21, 2006. Claims 34-37, 39-44, 47-50, 52-57, and 60-75 remaining pending. By this Amendment, Claims 34-37, 40-44, 47-50, and 53-57 have been amended, and new Claims 60-75 have been added. Independent Claims 34 and 47 have been amended to now recite the use of “a first notification directive,” and the features directed towards the second bill, including a “second notification directive,” are now recited in newly added dependent Claims 60 and 61. Dependent Claims 35-37, 40, 48-49, and 53 have been amended to now depend from one of dependent Claims 60 and 61. Dependent Claims 37 and 50 have also been amended to provide further clarity to the first and second notification directives. Dependent Claims 40-44 and 53-57 have been amended to clarify that the previously recited pre-bill instruction is a pre-bill payment authorization. Independent Claim 62 has been added to capture the features of dependent Claim 60 in independent form. Likewise, independent Claim 69 has been added to capture the features of dependent Claim 61 in independent form.

Reconsideration and allowance of the application, as amended, is requested.

Claim Rejection Under 35 U.S.C. § 112

The Office Action rejected Claims 34 and 47 under 35 U.S.C. § 112, ¶ 1, because it contends that there is no support for transmitting a notice of availability of the first billing information to a first consumer and not transmitting a notice of availability to the second consumer. Applicants respectfully traverse this rejection.

Applicants respectfully assert that the specification clearly indicates that some consumers can choose to receive a notice of availability of the billing information while other consumers can choose not to receive a notice of availability of the billing information. Referring to FIG. 2, there are a number of payor stations 120a-120d interconnected with the CF station 140 through the network 100. (Page 12, lines 7-9). “Once the billing information has been processed by the processor 410 so as to be available for access by the appropriate payors, the processor 410...generates an email or other message to notify the applicable payors 120a-d of the availability of bill presentment information.” (Page 13, lines 25-31). However, as described

below, each of these payors 120a-120d can each make different decisions regarding whether nor not to continue receiving notices of availability of billing information for particular billers. Indeed, some payors 120a-120d can decide to receive notices of availability of billing information while other payors 120a-120d can decide not to receive such notices of availability of billing information.

FIGs. 10A and 10B illustrate exemplary pre-bill payment authorization screens that can be provided to each of the payors 120a-120d. “The screen is transmitted from the CF station 140 to the appropriate payor station 120a-120d for presentation on the payor station display 460.” (Page 30, lines 19-22 and similarly, Page 31, lines 16-17). Referring to the screen in FIG. 10A, a payor can select an indicator 1030a to direct that notification of and bill presentment information associated with bills for which payment is preauthorized not to be forwarded to the payor. (Page 31, lines 5-8). On the other hand, a payor can select indicator 1035a to receive notices and presentations of bill presentment information which have been pre-authorized for payment by the CF station 140. (Page 31, lines 9-14). Likewise, the screen in FIG. 10B illustrates that a payor can click on indicator 1070 to direct the CF station 140 not to transmit notices and presentation of bill presentment information for the particular biller indicated. (Page 31, lines 23-25). Of course, a payor can also click on indicator 1075 to direct the CF station 140 to continue to transmit notices and bill presentment information regarding unpaid bills of the identified biller.

In summary, the specification discloses that the CF station 140 is interconnected with a number of payors 120a-120d. Each of these payors 120a-120d is provided with a respective screen in FIGs. 10A or 10B for selecting whether or not the CF station 140 should transmit a notice of availability of billing information for the indicated biller. Based upon these selections, one payor 120a-120d can choose to receive a notice of availability of billing information while another payor 120a-120d can choose not to receive such a notice of availability of billing information. Accordingly, Applicants respectfully submit that the specification includes support in accordance with 35 U.S.C. § 112, ¶ 1, for transmitting a notice of availability of the first billing information to a first consumer and not transmitting a notice of availability to the second consumer.

Claim Rejection Under 35 U.S.C. § 102

In the Office Action, Claims 34-37 and 39-44, 47-50 and 52-57 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,956,700 to Landry et al. (hereafter referred to as “Landry”). As a preliminary matter, Applicants disagree with the Examiner’s contentions recited in the Response to Arguments section in pages 5-6 of the Office Action. First, the Examiner alleges that simply because the payor in Landry does not take any action to pay his bill, no notice of bill availability is necessary. Second, the Examiner alleges that Landry would still work properly if the payor was not notified of the availability of the bill. With respect to both of these arguments, Applicants respectfully submit that a notice of bill availability is necessary for the system of Landry to work properly. In particular, as argued in the previous response to the Office Action, the payor needs to be notified of bill availability in order for the payor to know when to modify, hold, cancel, or reverse payments within the applicable provisional period. (Col. 7, lines 23-33). This ability to modify, hold, cancel, or reverse payments allows the Landry system to overcome the shortcomings of other negative payment systems that could not “accommodate bills or debts that vary in amount from month to month.” (Col. 5, lines 22-26). Assuming *arguendo* that Landry did not provide a notice of availability of bill presentment information and the payor did not receive any billing information, then the payor would not know the exact payment amount that is be deducted from his or her bank account. If the payor’s bank account does not have sufficient funds for the payment amount, then an overdraft would occur and the payor would be subject to overdraft fees. Thus, as reflected by this situation, the system of Landry would essentially be inoperable without some notice of availability of bill presentment information.

Accordingly, Applicants submit that the notice of bill availability is necessary for the system of Landry to work properly. Moreover, Applicants respectfully traverse the rejections in the Office Action and submit that Landry does not teach or suggest all of the features of the claims.

Applicants assert that independent Claims 34, 47, and 62 as well as dependent Claims 60, 61, and 63 are allowable over Landry because Landry does not teach or suggest receiving a notification directive from a consumer, and based upon the notification directive, either transmitting or not transmitting a notice of availability of billing information from a biller to the

consumer, as recited in those claims. Furthermore, when independent Claims 34, 47 and 62 are considered in conjunction with respective dependent Claims 60, 61, and 63, Landry also does not teach or suggest that based upon a first notification directive, one consumer can receive a notice of availability of billing information while based upon a second notification directive, another consumer does not receive such a notice of availability of billing information. Likewise, for the same consumer, Landry does not teach or suggest that based upon a first notification directive, a notice of availability of billing information for one biller is received while based upon a second notification directive, a notice of availability of billing information for another biller is not received.

First, with respect to independent Claims 34, 47, and 62 and dependent Claims 60, 61, and 63, Landry does not teach or suggest receiving a notification directive from a consumer, and based upon the notification directive, either transmitting or not transmitting a notice of availability of billing information to the consumer. In fact, Landry does not teach or suggest receiving any such notification directive from a consumer. By contrast, Landry discloses that all active payee statements are processed for the payors in the same way:

As illustrated in FIG. 23A, the central computer 110 reads the Payor File to locate all of the Child-Payee Records that did not have a status of Closed or Deleted, and accesses the Payee File to locate all of the necessary information needed to provide an understandable and complete periodic statement of activities. (Col. 34, lines 43 - 61).

As described above in Col. 34, lines 43-61 of Landry, the central computer 110 prepares statements for those payees that are still active—that is, not a status of closed or deleted, and does not provide for either transmitting or not transmitting a notice of availability of billing information based upon a notification directive. Further, referring to the child-payee record of FIG. 2B and the accompanying text, there are no fields that would correspond to a notification directive. Thus, Landry does not receive any notification directive from the consumer, and based upon that received notification directive, either transmit or not transmit a notice of availability of billing information to the consumer. Accordingly, independent Claims 34, 47, and 62 and dependent Claims 60, 61, and 63 are allowable over Landry.

Second, with respect to dependent Claims 60, 61, and 63, which incorporate the features of respective independent Claims 34, 47, and 62, Landry does not teach or suggest that based

upon a first notification directive, one consumer can receive a notice of availability of billing information while based upon a second notification directive, another consumer does not receive such a notice of availability of billing information. Likewise, for the same consumer, Landry does not teach or suggest that based upon a first notification directive, a notice of availability of billing information for one biller is received while based upon a second notification directive, a notice of availability of billing information for another biller is not received. Instead, Landry describes that "it is contemplated that Payors participating in the present system would receive periodic statements on a monthly, semi-monthly and/or annual basis." (Col. 25, lines 16-18). In other words, Landry contemplates that payee statements for payors are always provided. There is neither customization among payors, nor customizations among particular payees of a payor. Indeed, as described above in Col. 34, lines 43-61 of Landry, Landry does not provide for the use of notification directives from consumers. Accordingly, Landry cannot teach or suggest that based upon a first notification directive, one consumer can receive a notice of availability of billing information while based upon a second notification directive, another consumer does not receive such a notice of availability of billing information. Similarly, for the same consumer, Landry does not teach or suggest that based upon a first notification directive, a notice of availability of billing information for one biller is received while based upon a second notification directive, a notice of availability of billing information for another biller is not received. Therefore, dependent Claims 60, 61, and 63, which incorporate the features of respective independent Claims 34, 47, and 62 are further patentable over Landry.

Because all of the independent claims are allowable over Landry as described above, all of the dependent claims would likewise be allowable over Landry as a matter of law as depending from an allowable base claim, notwithstanding their independent recitation of patentable features.

Applicant: Kitchen, et al.
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CONCLUSION

It is not believed that extensions of time or fees for addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-5029.

Respectfully submitted,



Jason V. Chang
Attorney for Applicants
Registration No. 58,092

SUTHERLAND ASBILL & BRENNAN, LLP
999 Peachtree Street, NE
Atlanta, GA 30309-3996
(404) 853-8214
(404) 853-8806 (fax)
SAB Docket No.: 23952-0032